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VIA ECF

Hon. James R. Cho
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Bedoya v. NYC Citrus LLC, et al. (20-cv-548)(EK)(JRC)
Letter Motion – Request to Extend Discovery Deadline

Dear Judge Cho,

We represent Defendants in the above-referenced matter. Defendants submit this request to extend the fact discovery deadline to April 1, 2022. The Court previously granted an extension of the fact discovery deadline until January 31, 2022. Plaintiff does not consent to this request.

DEFENDANTS' POSITION

The parties originally scheduled depositions in January 2022 but these depositions were unable to move forward due to COVID. Defendants' household was and is still currently severely impacted due to COVID illnesses. Subsequent to a family member recovering from a severe COVID illness, Defendant is currently experiencing a severe case of COVID. Defendants' symptoms include breathing difficulties, impaired mobility, and prolonged coughing fits. Defendants request time to recover.

As a result, Defendants request that the discovery deadline be extended by 60 days until and including April 1, 2022. This will allow the Parties to reschedule the depositions and allow Defendants time to recuperate. Plaintiff's position is stated below, and as a brief response, Defendants dispute Plaintiff's characterization of Defendant's illness as a delay tactic. To the extent that communication between the Parties was delayed, this was solely due to COVID's impact on Defendants and not as a delay tactic. Defendants request additional time to allow for recovery from COVID illness and to proceed with depositions. No parties will be prejudiced by this request.

PLAINTIFF'S POSITION

This office represents the Plaintiff in the above referenced action. Plaintiff objects to the Defendants' request to extend discover and to delay resolution of this action. Defendants' attempts to delay this action have been previously documented, but include, but are not limited to, delaying the mediation in this action, refusing to produce necessary documentation, renegeing on agreements to produce necessary financial information, the termination and re-hiring of Defendants' counsel,

and amending discovery responses in order to sandbag the Plaintiff by reserving the right to call John Doe witnesses.

Now, in order to continue to delay this action, Defendants cancelled the *remote* depositions in this matter. Specifically, Defendants cancelled the Plaintiff's depositions the day before the deposition was to take place, and then refused to confirm the dates of their own depositions and unilaterally cancelled them on January 14 (the Friday before one of the pre-scheduled deposition dates). Moreover, they do not explain why COVID was an issue for the Defendants to take Plaintiff's remote deposition in this matter. Moreover, they have not provided any medical documentation concerning how COVID has impacted the Defendants' household or how they have been severely impacted. Also, it should also be noted that when the Defendants made their previous request for an extension they relied partly on "private medical issues," just like they do here. *See*, D.E. 32. Just as here, Defendants rely on "medical issues" without providing a shred of proof to the Court. Lastly, the delay in resolution and the now doubling of the discovery period will continue to prejudice the Plaintiff and forestall resolution in this matter.

Given the above, the Plaintiff objects to another extension of time to complete discovery in this action. Rather, the Court should deny the Defendants' request, certify discovery has been completed and set a date certain for the Parties to submit a Joint Pre-Trial Order in this action.

We thank the Court for its time and attention.

Respectfully submitted,
/s/ Joey Tsai
Joey Tsai
Attorney for Defendants

cc: Amit Kumar, Esq. (VIA ECF)